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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-508

13 **REPELITA RAZON CALUYA,**
14 **aka REPELITA RAZON BEN-ABRAHAM,**
15 **aka REPELITA BEN-ABRAHAM,**
16 **aka REPELITA S. CALUYA**
17 **625 NE 240th Place**
18 **Wood Village, OR 97060**

A C C U S A T I O N

19 **Registered Nurse License No. 328982**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
25 Department of Consumer Affairs.

26 2. On or about May 31, 1981, the Board issued Registered Nurse License Number
27 328982 to Repelita Razon Caluya, also known as Repelita Razon Ben-Abraham, Repelita Ben-
28 Abraham, and Repelita S. Caluya ("Respondent"). Respondent's registered nurse license was in
full force and effect at all times relevant to the charges brought herein and will expire on
November 30, 2012, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
7 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
8 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
10 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
11 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
12 (b), the Board may renew an expired license at any time within eight years after the expiration.

13 6. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or licensed
15 nurse or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct . . .

17

18 (4) Denial of licensure, revocation, suspension, restriction, or any other
19 disciplinary action against a health care professional license or certificate by another
20 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action . . .

21 **COST RECOVERY**

22 7. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Disciplinary Action by the Oregon State Board of Nursing)

3 8. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
5 Oregon State Board of Nursing ("Oregon Board"), as follows: On or about February 16, 2012,
6 pursuant to the Stipulated Order for Reprimand of Registered Nurse License, in the disciplinary
7 proceeding titled "In the Matter of Repelita S. Caluya, RN", Reference No. 12-00802, the Oregon
8 Board reprimanded Respondent's Oregon registered nurse license for improperly delegating tasks
9 of nursing care, including checking capillary blood glucose, to unlicensed persons. A true and
10 correct copy of the Stipulated Order for Reprimand of Registered Nurse License is attached as
11 **exhibit A** and incorporated herein.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 328982, issued to
16 Repelita Razon Caluya, also known as Repelita Razon Ben-Abraham, Repelita Ben-Abraham,
17 and Repelita S. Caluya;

18 2. Ordering Repelita Razon Caluya, also known as Repelita Razon Ben-Abraham,
19 Repelita Ben-Abraham, and Repelita S. Caluya, to pay the Board of Registered Nursing the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: December 21, 2012

for Stacie Bern
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

**Stipulated Order for Reprimand of Registered Nurse License
Oregon State Board of Nursing, Reference No. 12-00802**

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Repelita S. Caluya, RN

) STIPULATED ORDER FOR

) REPRIMAND OF REGISTERED NURSE

) LICENSE

License No. 088006462RN

) Reference No. 12-00802

Ms. Caluya (Licensee) is a Registered Nurse in the State of Oregon. She graduated from a college in the Philippines with a Bachelor's Degree in Nursing in 1973.

Licensee came to the attention of the Board when on October 4, 2011, a complaint was received alleging that Licensee had improperly delegated nursing tasks to unlicensed caregivers. According to the complaint, while an Adult Protective Services investigator was conducting a visit to a newly opened residential care facility, she noted that Licensee's delegations were completed on the same day for multiple caregivers. The Board opened an investigation into the matter.

Board staff reviewed the paperwork and noted that seven forms entitled "RN Delegation: Subcutaneous Insulin Injection" and "RN Delegation: CBG Level" were completed on September 9, 2011 by Licensee and that each form was signed by one of seven caregivers on September 9, 2011. According to these forms, on September 9, 2011, Licensee assessed the client, determined the client was appropriate for the specific delegated task, evaluated each caregiver's competency, taught each caregiver the task and directly observed each caregiver perform the delegated task. Because it would not have been possible for Licensee to have completed the delegations in one day, as documented, it was necessary for Board staff to determine if Licensee failed to document appropriately or failed to properly delegate the nursing tasks.

In a letter to Board staff and during her personal interview with Board staff on December 15, 2011, Licensee explained that while working as a community health nurse, she delegated nursing tasks to unlicensed personnel. She explained her process in this case. She assessed the client and delegated the task of checking capillary blood glucose (CBG) to six caregivers and then demonstrated to them the proper procedure. When she provided her demonstration she did so by checking her husband's CBG. She further reported that she had each caregiver perform a return demonstration; one performed the task on the client, while the others checked their own CBG.

After receiving notification of the Board's investigation, Licensee reviewed Division 47 of the Nurse Practice Act and completed the Board's self-directed course on delegating nursing tasks. During her personal interview, Licensee acknowledged that she had not properly followed the steps for delegation according to Division 47. She further explained that she has since rescinded her delegations and has resigned from community health nursing. She reported that she is continuing to work full-time as a medical-surgical nurse and does not wish to return to community based nursing.

By the above behavior, Ms. Caluya is subject to discipline pursuant to violations of ORS 678.111 (1) (f); OAR 851-045-0070 (1) (f); which provides as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
- (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
- (f) Improperly delegating tasks of nursing care to unlicensed persons in settings where a registered nurse is not regularly scheduled.

The following will be proposed to the Board and is agreed to by Ms. Caluya:

That the Registered Nurse license of Repelita S. Caluya be reprimanded.

Ms. Caluya understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious and if continued, constitutes a potential for danger to public's health, safety and well-being.

Ms. Caluya understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her Registered Nurse license.

Ms. Caluya understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

Ms. Caluya understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Ms. Caluya has read this Stipulation and understands it completely.

Page 2 of 3 Stipulation; 12-00802

Ms. Caluya understands that this Stipulation will become a matter of public record at such time as the Board issues a Final Order adopting it.

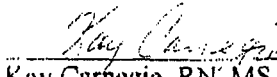
IT IS SO AGREED:


Repelita Caluya, RN

2-2-12
Date

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON


Kay Carnegie, RN, MS
Board President

2/16/12
Date